

Applicant(s): James E. Dowling et al.
U.S.S.N.: 10/552,305

REMARKS

This is in reply to the non-final office action mailed April 14, 2009. Applicants have canceled former claims 2-34 and 36-56, added new claims 57-66 and amended claim 1 to more clearly and distinctly point out the subject matter of the claimed invention. Thus, claims 1, 35 and 57-67 are currently pending. Support for new claims 57-67 can be found throughout the specification as originally filed, for example, in original claims 19-21 and 36. No new matter has been added by these amendments. Please consider the following remarks.

Priority

Applicants thank the Examiner for acknowledging the priority date of 4/9/2003, drawn to provisional application no. 60/461,546.

Objection to the Specification

The Examiner has objected to the disclosure alleging that the first paragraph in the specification should indicate up-to-date claims of benefit to priority U.S. Applications. Applicants have amended the specification to comply with this requirement. Accordingly, Applicants submit that this amendment overcomes the Examiner's objection and respectfully request withdrawal and reconsideration.

Objections to the Claims

The Examiner has indicated that claims 19 and 20 are substantial duplicates and encompass the same chemical species. Applicants disagree. However, solely to expedite prosecution and without acquiescing to the Examiner's positions, Applicants have canceled former claims 19 and 20. Accordingly, Applicants submit that this amendment overcomes the above objection and request reconsideration.

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Rejection Under 35 U.S.C. §112, 1st Paragraph (enablement)

Claims 1-6 and 35 are rejected under 35 U.S.C. §112, 1st paragraph as allegedly lacking enablement. Specifically, the Examiner contends that the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. Without conceding the merits of the rejection, Applicants have amended claim 1 to recite a genus of triazolopyrazines wherein A is defined as aryl or furanyl, R¹⁻³ are defined as hydrogen and L is defined as a carbocyclic ring.

Applicants submit that the genus represented by amended claim 1 is fully enabled by the specification as originally filed. Specifically, Applicants submit that one skilled in the art (i.e., the skilled medicinal chemist) could make and use the claimed compounds without undue experimentation. Accordingly, Applicants request reconsideration and withdrawal of the above enablement rejection

Conclusion

Applicants submit the application is in condition for allowance, which action is requested.

Respectfully submitted,

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